

Jorgensen, Jay T.

From: Ward, Liza [lward@motleyrice.com]
Sent: Thursday, June 26, 2008 4:14 PM
To: Jorgensen, Jay T.
Cc: David Page
Subject: RE: State of Oklahoma, et. al. v. Tyson, et. al
Attachments: 2input.zip

Dear Jay:

I write in response to your inquiry of today's date. First, I must reiterate that the State's experts have produced their materials in the file structures maintained on their computers. Defendants have been provided with all the tools necessary to run the models that are the subject of Defendants' Motion to Compel. The State and its experts strongly object to Defendants' request to access to the computers of its experts. These computers are not dedicated solely to work related to this case and, therefore, contain personal information and unrelated work performed by Dr. Wells and Dr. Engel. The State is confident that the Court would not find this request to be reasonable--especially in light of the State's continued willingness to answer every question posed by Defendants even where such requests were not apparent from pending discovery requests.

Second, with respect to your question regarding the State's Supplemental Response to Request No. 2, you are correct that the calibration files are located in the folder called "GLEAMS". This folder is not a subfolder of y:\Engels\Materials\Gleams_final, but is on the same level as that folder. Again, this is the same file structure as is on Dr. Engels' computer.

Third, I have attached a zip file called "2input.zip", which contains the information that you are seeking. This file was created by Dr. Engel in response to Defendants' inquiries by extracting data from previously produced files. While it is not how Dr. Engel originally maintained this data, he has taken additional steps to allow Defendants to more readily locate the information sought.

Finally, Request No. 6 does not specifically request "post-processing results", and both the State and Dr. Engel are unclear precisely what data you seek. However, if you are requesting post-processing codes, Dr. Engel believes that no automated post-processing codes had been created at this stage in the modeling process and, therefore, none were produced to Defendants.

I trust that all of Defendants' concerns have now been addressed. The State again requests that Defendants withdraw the Motion to Compel by the close of business today. Thank you.

Elizabeth "Liza" C. Ward | Attorney at Law | Motley Rice LLC
 28 Bridgeside Blvd. | Mt. Pleasant, SC 29464 | lward@motleyrice.com
 o. 843 216-9280 | c. 843 834 2514 | f. 843.216.9450

From: Jorgensen, Jay T. [mailto:jjorgensen@sidley.com]
Sent: Thursday, June 26, 2008 12:19 AM
To: Haubert, Jane M.; dpage@riggsabney.com
Cc: Ward, Liza
Subject: RE: State of Oklahoma, et. al. v. Tyson, et. al

Liza,

Thank you for the attached letter. The defendants are still hopeful that the parties can work out their differences on the production of a working copy of plaintiffs' models. Defendants stand ready to withdraw

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our motion in that event. We would like to avoid burdening plaintiffs or the Court, but we need a working copy of the models on which your experts rely. Your letter notes that David Page has answered some questions about your production of modeling files, but as the following questions demonstrate, there are some discrepancies between the answers David provided and the materials that were produced to the defendants. The fact that plaintiffs struggle to identify the files that make up your models underscores the difficulties defendants have in guessing which files to utilize among the many that were produced.

Would you clarify these issues from David's letter to Michael Bond dated June 13? Also, in light of the ongoing difficulties, would plaintiffs be willing to allow defendants' experts to view your models on your computers as they operate? This may move us past the ongoing confusion over which files are utilized in the models. We believe the court could grant access to the computers that host your models, but we would prefer to avoid involving the Court.

Questions re: Letter from Dave P. Page to Michael R. Bond, June 13, 2008

Supplemental Response to Request No. 2

Mr. Page lists a series of folders contained in the directory y:\Engel\Materials\GLEAMS_final\ that supposedly contain all model input files. The list of folders includes one described as:

"GLEAMS" - supporting input files and data for model calibration.

There is no folder with this name in the y:\Engel\Materials\GLEAMS_final\ directory. This directory does not contain any calibration files at all. There is a folder called "GLEAMS" located elsewhere in the material provided that contains additional model input files, but not in the directory that supposedly contains "final" input files.

The file "2input\routing.xls" is described in the middle of Page 3 and said to contain data for optimizing parameters for the routing equations set forth by Dr. Engel. This file does not exist in any of the materials that we have been provided.

Supplemental Response to Request No. 6

There are no post-processing results provided for the calibration run, as there are for the various scenario runs.

From: Haubert, Jane M. [mailto:jhaubert@motleyrice.com]
Sent: Wednesday, June 25, 2008 01:42 PM
To: Jorgensen, Jay T.; dpage@riggsabney.com
Cc: Ward, Liza
Subject: State of Oklahoma, et. al. v. Tyson, et. al

The attached letter is sent on behalf of Liza Ward.

Jane M. Haubert | Legal Secretary | Motley Rice LLC
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464
o. 843.216.9417 | f. 843.216.9450 | jhaubert@motleyrice.com

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